

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7681 of 2019

ORDER:

When the writ petition is taken up for hearing, counsel for petitioners submits that the issue involved in the present writ petition is squarely covered by the order passed by this Court in W.P.Nos.350 of 2019 & batch, dated 19.03.2019, and that, therefore, this writ petition can be disposed of on same lines. A copy of the same is filed along with the material papers.

2. The operative portion of the aforesaid order reads as under:

“This Court, having considered the rival submissions, is of the considered view that the petitioners were engaged as stop-gap arrangement in the regular vacancies and leave vacancies. The petitioners would be entitled to continue till regular Teachers are appointed or till the regular Teachers rejoin the services after availing leave. The 1st respondent shall assess the situation of requirement of Vidya Volunteers against regular vacancies and leave vacancies for the academic year 2019-20. Depending upon their need, the respondents are entitled to engage Vidya Volunteers as is required by them. However, while engaging Vidya Volunteers, the respondents would consider such Vidya Volunteers, who are working as on today and they would not be subjected to further selections for their continuance in the regular vacancies and leave vacancies even for the academic year 2019-2020.

The above said direction is being issued in view of the law laid down by the Hon'ble Supreme Court in **STATE OF PUNJAB AND OTHERS Vs. SUPREET RAJPAL AND ANOTHER**¹ wherein it was held that one temporary employee cannot be replaced by another temporary employee till regular employee joins duty.

The petitioners are engaged on adhoc basis in the regular vacancies and leave vacancies. If the situation does not improve in respect of regular vacancies and leave vacancies, even for the next academic year, then the petitioners are entitled to be continued without subjecting to further selections. In view of the submission made by the learned Government Pleader that many of the Vidya

¹ AIR 2007 SCW 7006

Volunteers were already terminated consequent upon regular Teachers joining duty after availing leave, those terminated Vidya Volunteers need not be continued. However, if there is a need of engaging Vidya Volunteers other than those who are already continuing as on today, the terminated Vidya Volunteers can also respond to the fresh need of Vidya Volunteers. It is further clarified that for the period from the end of academic year of 2018-19 till next academic year, the petitioners would not be entitled for any salary or honorarium.

Insofar as the contention of the learned Government Pleader that some of the Vidya Volunteers are not having requisite qualification, it is always open for the respondents to discontinue such of those Vidya Volunteers, who do not have requisite qualification.

With the above observations, the writ petitions are disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.”

3. Government Pleader for Education appearing for the respondents also not disputed the said submission.

4. In view of the same, for the reasons alike in the said order, the Writ Petition is also disposed of, in terms thereof.

Registry is directed to enclose a copy of the order, dated 19.03.2019, passed in W.P.Nos.350 of 2019 & batch to this order.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 12th April, 2019

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